



# Licensing Act 1872

## 1872 CHAPTER 94

### *Adulteration*

#### **19 Penalty on adulteration of intoxicating liquor.**

- (1) Every person who mixes or causes to be mixed with any intoxicating liquor sold or exposed for sale by him any deleterious ingredient, that is to say, any of the ingredients specified in the First Schedule to this Act, or added to such schedule by any Order in Council made under this Act, or any ingredient deleterious to health; and
- (2) Every person who knowingly sells or keeps or exposes for sale any intoxicating liquor mixed with any deleterious ingredient (in this Act referred to as adulterated liquor),

shall be liable for the first offence to a penalty not exceeding twenty pounds, or to imprisonment for a term not exceeding one month, with or without hard labour; and for the second and any subsequent offence to a penalty not exceeding one hundred pounds or to imprisonment for a term not exceeding three months, with or without hard labour, and to be declared to be a disqualified person for a period of not less than two years nor exceeding ten years, and shall also in the case of the first as well as any subsequent offence forfeit all adulterated liquor in his possession, with the vessels containing the same.

Where the person so convicted is a licensed person, he shall further, in the case of a second or any subsequent offence, be liable to forfeit his license, and the premises in respect of which such license is granted shall be liable to be declared to be disqualified premises for a period of not less than two years nor exceeding five

In the case of a first offence and any subsequent offence until the license is forfeited, the conviction shall be recorded on the license of the person convicted.

Where a licensed person is convicted of any offence under this section and his license is not forfeited for such offence, the police authority of the district shall cause a placard stating such conviction to be affixed to the premises. Such placard shall be of such size and form, and shall be printed with such letters, and shall contain such particulars, and shall be affixed to such part of the licensed premises as the police authority may think fit, and such licensed person shall keep the same affixed during two weeks after

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the same is first affixed; and if he fails to comply with the provisions of this section with respect to keeping affixed such placard, or defaces or allows such placard to be defaced, or if the same is defaced and he fails forthwith to renew the same, he shall be liable to a penalty not exceeding forty shillings for every day on which the same is not so undefaced, and any constable may affix or re-affix such placard during the said two weeks, or such further time as may be directed by a court of summary jurisdiction.

## **20 Possession of adulterated liquor or deleterious ingredients.**

Every licensed person who has in his possession or in any part of his premises any adulterated liquor knowing it to be adulterated, or any deleterious ingredient, specified in the First Schedule hereto or added to such schedule by Order of Her Majesty in Council, for the possession of which he is unable to account to the satisfaction of the court, shall be deemed knowingly to have exposed for sale adulterated liquor on such premises.

## **21 Schedule of deleterious ingredients.**

It shall be lawful for Her Majesty by Order in Council from time to time to add to the First Schedule to this Act any ingredient which appears to Her Majesty in Council to be deleterious to health, and to remove any ingredient from the said schedule, and to revoke or alter any order previously made.

Every such order shall be published in the London Gazette, and shall take effect at the expiration of seven days from the date of such publication or at any later date mentioned in the order, and shall have effect as if it were enacted in this Act.

Every such order shall be laid before both Houses of Parliament within three weeks after it is made, or if Parliament be not then sitting within three weeks after the commencement of the then next session of Parliament.

## **22 Analysis of intoxicating liquor.**

Any of the following officers, that is to say, any superintendent of police or other constable authorised in writing by the police authority so to do, and any officer of Inland Revenue, may procure samples of any intoxicating liquor from any person selling or keeping or exposing the same for sale (in this section referred to as the vendor); he may procure such samples either by purchasing the same, or by requiring the vendor to show him and allow him to inspect all or any of the vessels in which any intoxicating liquor in the possession of the vendor is stored, and the place of the storage thereof, and to give him samples of such intoxicating liquor on payment or tender of the value of such samples.

If the vendor or his agent or servant, when required in pursuance of this section, refuses or fails to admit the officer or refuses or wilfully omits to show all or any of the vessels in which intoxicating liquor is stored, or the place of the storage thereof, or to permit the officer to inspect the same, or to give any samples thereof, or to furnish the officer with such light or assistance as he may require, he shall be liable to the same penalty, forfeiture, and disqualification as if he knowingly sold or exposed for sale adulterated

When the officer has by either of the means aforesaid procured samples of intoxicating liquor, he shall cause the same to be analysed, at such convenient place and time and by such person as the Commissioners of Inland Revenue may appoint; provided always, that a reasonable notice shall have been given by such officer to the vendor by whom

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such sample was furnished, to enable such vendor, if he think fit, to attend at the time when such sample is open for analysis; and if it appear to the person so analysing that the said samples of intoxicating liquor are adulterated liquor within the meaning of this Act, he shall certify such fact, and the certificate so given shall be receivable as evidence in any proceedings that may be taken against any person in pursuance of this Act, subject to the right of any person against whom proceedings are taken to require the attendance of the person making the analysis for the purpose of

The vendor may require the officer, in his presence, to annex to every vessel containing any samples for analysis the name and address of the vendor, and to secure with a seal or seals belonging to the vendor the vessel containing such samples, and the name and address annexed thereto, in such manner that the vessel cannot be opened, or the name and address taken off, without breaking such seals; and a corresponding sample sealed by such officer with his own seal shall, if required, be left with the vendor for reference in case of disputes as to the correctness of the analysis or otherwise; and the certificate of the person who analyses such samples shall state the name and address of the vendor, and that the vessels were not open, and that the seals securing to the vessels the name and address of the vendor were not broken until such time as he opened the vessels for the purpose of making his analysis; and in such case as aforesaid no certificate shall be receivable in evidence unless there is contained therein such statement as above, or to the like effect.

Any expenses incurred in analysing any intoxicating liquor of a vendor in pursuance of this section shall, if such vendor be convicted of selling or keeping, or exposing for sale, or having in his possession adulterated liquor in contravention of this Act, be deemed to be a portion of the costs of the proceedings against him, and shall be paid by him accordingly. In any other event such expenses shall be paid as part of the expenses of the officer who procured the sample.